

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA**

RAFIYQ DAVIS,	:	
	:	
<i>Plaintiff,</i>	:	CIVIL ACTION
	:	No. 14-4974
v.	:	
	:	
	:	
	:	
MIKE WENEROWICZ, et al.,	:	
<i>Defendants.</i>	:	
	:	

ANSWER

Defendant Gaudenzia Diagnostic and Rehabilitation Center, Inc. (“Defendant”) hereby responds to the Complaint of Rafiyq Davis (“Plaintiff”) as follows:

I.A. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph I.A of the Complaint.

I.B. Denied as stated. Defendant states that “DRC Gaudenzia” is not Defendant’s legal name and is not a fictitious name under which Defendant is registered, operates, or has operated at any relevant time. Defendant further states that its registered office address is 106 W. Main Street, Norristown, PA 19401, not the address provided in the Complaint or the address to which the Summons and Complaint were delivered. Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph I.B of the Complaint.

II.A. Defendant admits the allegations contained in Paragraph II.A of the Complaint.

II.B. Paragraph II.B of the Complaint contains no allegations to which a response is

required.

II.C. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph II.C of the Complaint.

II.D. Defendant states that it is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph II.D of the Complaint, except that Defendant admits that Plaintiff absconded from Defendant's facility on May 1, 2014. Defendant further states that Paragraph II.D of the Complaint contains legal conclusions to which no response is required.

III. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph III of the Complaint. To the extent that a further response is deemed required, Defendant denies the allegations set forth in Paragraph III.

IV.A. Defendant states that it is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph IV.A of the Complaint, except that Defendant denies that any cognizable claims arose while Plaintiff resided at Defendant's facility.

IV.B. Defendant states that it is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph IV.B of the Complaint, except that Defendant admits that Defendant has grievance procedures. Defendant also denies that any cognizable claims arose while Plaintiff resided at Defendant's facility. Defendant further states that Paragraph IV.B of the Complaint contains legal conclusions to which no response is required.

IV.C. Defendant states that it is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph IV.C of the Complaint, except

that Defendant admits that Defendant has grievance procedures. Defendant specifically denies that any cognizable claims arose while Plaintiff resided at Defendant's facility. Defendant further states that Paragraph IV.C of the Complaint contains legal conclusions to which no response is required.

IV.D. Defendant states that it is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph IV.D of the Complaint, except that Defendant denies that Plaintiff filed a grievance with Defendant. Defendant also denies that any cognizable claims arose while Plaintiff resided at Defendant's facility. Defendant further states that Paragraph IV.D of the Complaint contains legal conclusions to which no response is required.

IV.E. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph IV.E of the Complaint.

IV.E.1. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph IV.E.1 of the Complaint. Defendant further states that Paragraph IV.E.1 of the Complaint contains legal conclusions to which no response is required.

IV.E.2. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph IV.E.2 of the Complaint.

IV.E.3. Paragraph IV.E.3 of the Complaint contains no allegations to which a response is required.

IV.F.1. Paragraph IV.E.3 of the Complaint contains no allegations to which a response is required.

IV.F.2. Defendant is without knowledge or information sufficient to form a belief as

to the truth of the allegations contained in Paragraph IV.F.2 of the Complaint.

IV.G. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph IV.G of the Complaint.

V. Paragraph V of the Complaint contains legal conclusions to which no response is required. Defendant otherwise is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph V of the Complaint. To the extent that a further response is deemed required, Defendant denies the allegations set forth in Paragraph V.

VI.A. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph VI.A of the Complaint.

VI.B. Paragraph VI.B of the Complaint contains no allegations to which a response is required.

VI.B.1. Paragraph VI.B.1 of the Complaint contains no allegations to which a response is required.

VI.B.2. Paragraph VI.B.2 of the Complaint contains no allegations to which a response is required.

VI.B.3. Paragraph VI.B.3 of the Complaint contains no allegations to which a response is required.

VI.B.4. Paragraph VI.B.4 of the Complaint contains no allegations to which a response is required.

VI.B.5. Paragraph VI.B.5 of the Complaint contains no allegations to which a response is required.

VI.B.6. Paragraph VI.B.6 of the Complaint contains no allegations to which a

response is required.

VI.B.7. Paragraph VI.B.7 of the Complaint contains no allegations to which a response is required.

VI.C. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph VI.C of the Complaint.

VI.D. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph VI.D of the Complaint.

VI.D.1. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph VI.D.1 of the Complaint.

VI.D.2. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph VI.D.2 of the Complaint.

VI.D.3. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph VI.D.3 of the Complaint.

VI.D.4. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph VI.D.4 of the Complaint.

VI.D.5. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph VI.D.5 of the Complaint.

VI.D.6. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph VI.D.6 of the Complaint.

VI.D.7. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph VI.D.7 of the Complaint.

WHEREFORE, Defendant respectfully requests judgment dismissing Plaintiff's Complaint, and granting such other and further relief as the Court deems just and proper.

AFFIRMATIVE DEFENSES

1. Plaintiff fails to state a claim upon which relief may be granted against Defendant.
2. Plaintiff's claims against Defendant should be dismissed for insufficient service of process. Service of the Summons and Complaint was not made upon Defendant within 120 days of the filing of the Complaint. Moreover, the Summons and Complaint misidentified Defendant, and also was delivered to an address that was not Defendant's registered office address.
3. Plaintiff's claims are barred, in whole or in part, by the doctrine of laches.
4. Plaintiff's claims are barred, in whole or in part, because it did not exhaust its administrative remedies as to Defendant.
5. Defendant states affirmatively that it did not know, and in the exercise of reasonable care could not have known, of the existence of the facts by reason of which liability is alleged to exist.
6. Defendant was not the proximate cause of any damage to Plaintiff.

March 27, 2014

Respectfully submitted,
LEGIS GROUP LLC

BY: /s/ Bernard A. Williams

Bernard A. Williams, Esq.
LEGIS GROUP LLC
3900 Ford Road, Suite B
Philadelphia, PA 19131
(o) 800.350.7321
(f) 215.878.1164

Attorney for Defendant
Gaudenzia Diagnostic and
Rehabilitation Center, Inc.

CERTIFICATE OF SERVICE

I, Bernard A. Williams, Esquire, hereby certify that on March 27, 2015, the foregoing Answer was filed electronically and is available for viewing and downloading from the ECF System of the United States District Court for the Eastern District of Pennsylvania. The ECF System's electronic service of the Notice of Electronic Case Filing constitutes service on all parties who have consented to electronic service.

I also hereby certify that I have served a true and correct copy of the Answer via first class U.S. mail, postage prepaid, to:

RAFIYQ DAVIS
4901 Stenton Ave.
Apt. #K7
PHILADELPHIA, PA 19144

Dated: March 27, 2015

BY: /s/ Bernard A. Williams

Bernard A. Williams, Esq.
LEGIS GROUP LLC
3900 Ford Road, Suite B
Philadelphia, PA 19131
(o) 800.350.7321
(f) 215.878.1164

Attorney for Defendant
Gaudenzia Diagnostic and
Rehabilitation Center, Inc.